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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Caritas Internationalis (International Confederation of Catholic Charities), New Humanity, non-governmental organizations in general consultative status, Associazione Comunita Papa Giovanni XXIII, Alliance Defending Freedom, Association Points-Coeur, Company of the Daughters of Charity of St. Vincent de Paul, Congregation of Our Lady of Charity of the Good Shepherd, International Association of Charities, International Catholic Child Bureau, International Volunteer Organization for Women Education Development, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Mouvement International d'Apostolate des Milieux Sociaux Independants, Teresian Association, World Union of Catholic Women's Organizations, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Protection of the family

APG23 and the co-signing NGOs take note of the Report of the Office of the UN High Commissioner for Human Rights[1] entitled "Protection of the family: contribution of the family to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development".

The report cites several internationally agreed documents that reaffirm the central and vital role of the family in society and acknowledges the key contribution of the family in fostering social development, its strength in assuring social cohesion and integration, and its primary responsibility for the nurturing, guidance, and protection of children.

Art. 16.3 of the UDHR states: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State". Other international Treaties and Conventions, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on Protection of the Rights of All Migrant Workers and Member of their Families, the Convention on the Rights of Persons with Disabilities contain clear provision for protection of the family. At regional level, the American Convention on Human Rights contains similar provisions.

In its preamble, the Convention on the Rights of the Child (CRC) states very clearly that "the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community". Moreover, it stipulates, "The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding". In article 20, paragraph 1, the CRC also stipulates that a child who is temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. Paragraph 2 of the above-mentioned article also declares "States Parties shall in accordance with their national laws ensure alternative care for such a child".

Indeed, the environment in which a child grows is the determining factor for his or her development and future. Children are the future generation. They have the right to be raised and grow to adulthood surrounded by security and love. This will enable them, in turn, to transmit the values of their community/society. The responsibility to establish/maintain such an environment lays with the basic component of each society, the smallest community, a group of people, namely, the family.
The family is also the first shield against any form of violation of children's rights and should therefore be assisted. Children without parental care are more exposed to violence, discrimination, sexual exploitation, abuses, traffic in human organs, and any others forms of mistreatment.

In this regard, the co-signing NGOs are pleased to note, in the second draft of the Global Plan of Action on violence of the World Health Organisation presented at its 138th Executive Board[2], an acknowledgement that "families with safe and nurturing relationships between parents, caregivers and children are a protective environment for children". The same global plan calls for "support and strengthening" of those families in which "maltreatment of children" occurs. States cannot substitute for the love and care that is provided by families, but States can and should provide the economic, social, and psychological support needed by vulnerable and marginalized families who experience abandonment or, in the words of Pope Francis, are "thrown away" by the rest of society. With additional help from government and local communities, even these families can succeed in re-establishing harmony and stability among their members.
States have to guarantee and protect the right of a child to have a family, and protect those persons who care for children by supporting the efforts of the family in providing adequate living conditions, education, health facilities, etc.

[1] A/HRC/31/37
[2] EB138/9, paragraph 19- 138th session, January 2016

At national level, many States have endorsed within their national laws and constitutions, elements and principles as to ensure the protection of the family and recognize its central role within society. As an example, the Constitution of Italy states under Article 29 that: *"The Republic recognises the rights of the family as a natural society based on marriage"*. In this regard, the term "*recognises*" is fundamental: the State does not allow nor authorise, but recognises what already exists. The reference to a "*natural society*" implies the meta-juridical "entity" of the family intended as a marital bond between a man and a woman, husband and wife, two persons, who, in their complementarity and mutual love are open to the procreation of children and to upbringing and education of their children.

Thus, States have the obligation to provide the widest possible support and protection for all families and allow them to fully assume their role in the community and provide a conducive environment for the growth and well-being of their members.

Pope Francis recently commented: "The family remains always the cell of society, and the primary place of education. It is the community of love and of life in which every person learns to relate to others and with the world. And, thanks to the bases acquired in the family, he is able to project himself in society, to frequent positively other formative environments … Thus, in this integration between the bases assimilated in the family and "outside" experiences, we learn to find our way in the world."[3]

Bearing in mind that we always have "to seek for what unites, instead of what divides[4]" in order to have a constructive dialogue at the United Nations, we should leave behind the arguments on the definition of the family that may be divisive according to different cultural, ideological, religious interpretations and maintain the universal agreed language of human rights law that unanimously reaffirms the key role played by the family in the society.

In fact, the family is not only the fundamental group unit of society; it is the fundamental agent for sustainable, social, economic and cultural development. As the UN Secretary General said in a recent report[5]: "As basic and essential building blocks of societies, families have a crucial role in social development. They bear the primary responsibility for the education and socialization of children as well as instilling values of citizenship and belonging in the society. Families provide material and non-material care and support to its members, from children to older persons or those suffering from illness, sheltering them from hardship to the maximum possible extent."

The co-signing NGOs, present at grass-root level with the most vulnerable people and in situations where extreme poverty and emergencies have the greatest impact, can attest to the words of the Secretary General. In fact, across the world and in all cultures, the family has a very significant role in the care of children, elderly and sick persons. A clear example of this is the role that the African extended family has played, and continues to play, as a copying mechanism in countries most affected by epidemics such HIV and AIDS, Ebola etc.

In 2013, the Secretary General emphasized in his report for the International Year of the Family[6] that inclusion of families to the 2030 agenda would constitute a step forward in the direction of empowerment and reduction of inequality and contribute to the achievement of sustainable development goals. Regrettably, the critical role of the family in promoting and achieving sustainable development has been largely overlooked in the formulation of the 2030 Agenda and only few of the targets refer directly[7] or indirectly to the family.

In this regard, we call upon States not to overlook the fundamental role of the family in society and its contribution to development in formulating their domestic development plans for the implementation of SDGs.

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[3] Pope Francis, Address to Italian Catholic Adult Scouts on Movement's 60th Anniversary, Vatican City, 10 November 2014

[4] Saint Pope John XXIII, Encyclical Pacem in Terris, 11 April 1963

[5] United Nations, 'Follow-up to the tenth anniversary of the International Year of the Family and beyond', Report of the Secre- tary-General, 29 November 2010 (A/66/62).

[6] A/69/61-E/2014/4

[7] Target 5.4

Furthermore, since economic, social and quality of life conditions have worsened for many families around the world, States and international organizations must commit to enact effective policies and measures to provide the necessary comprehensive support for the family and its members. Hence, we call upon States to implement all the recommendations of the resolution A/HRC/29/22, and in particular, the following:

- Creating family-friendly policies to support the family, and assessing such policies and programmes for their impact on family well-being;
- Designing, implementing and promoting family-sensitive policies in the field of housing, work, health, social security and education in order to create an environment supportive of the family, including affordable, accessible and quality care services for children and other dependants, parental and other leave schemes, campaigns to sensitize public opinion and other relevant actors on equal sharing of employment and family responsibilities between women and men;
- Addressing the causes and mitigating the consequences of family disintegration.
- Facilitating, as appropriate, the integration of families into society and their reunification, preservation and protection, including by providing adequate shelter, access to basic services and a sustainable livelihood.